

IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL.A.No.7 of 2002

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Date of Decision: 14.09.2010

Dasu @ Das

.... Appellant

Through Nemo

Versus

State of NCT of Delhi

.... Respondent

Through Mr.Lovkesh Sawhney, APP for the State

CORAM:

HON'BLE MR. JUSTICE ANIL KUMAR

HON'BLE MR. JUSTICE SURESH KAIT

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| 1. | Whether reporters of Local papers may be allowed to see the judgment? | YES |
| 2. | To be referred to the reporter or not? | NO |
| 3. | Whether the judgment should be reported in the Digest? | NO |

ANIL KUMAR, J.

No one had appeared on behalf of the appellant on 16th July, 2010 and bailable warrants were issued against the appellant in the sum of Rs.10,000/- Notice was also issued to the learned counsel for the appellant.

The appellant was convicted under Section 302 of the Indian Penal Code by order dated 6th October, 2001 in Sessions Case No.98 of 1998, titled as 'State v. Dasu @ Das' arising out of F.I.R.No.132/1998, under Section 302 of the Indian Penal Code, P.S.Hauz Khas, New Delhi

and he was ordered to undergo life imprisonment by order of sentence dated 12th October, 2001 and also to pay a fine of Rs.500/- and in default to further undergo simple imprisonment for 15 days which was challenged by the appellant in the above noted appeal.

Pursuant to the notice issued to the counsel for the appellant, Mr.M.L.Yadav, Advocate, counsel for the appellant is present and he contends that Sh.Dasu @ Das has since expired in October, 2007.

The status report has also been filed by SI Jayvir on behalf of the SHO Hauz Khas, dated 1st September, 2010 indicating that the appellant has since died on 30th October, 2007. The certified copy of the death certificate issued by the Municipal Corporation, Delhi dated 22nd November, 2007 has also been produced along with status report demonstrating that the appellant has died on the said date.

It is also stated that since the appellant has died, therefore, the bailable warrants issued against the appellant in the sum of Rs.10,000/- could not be executed.

In the circumstances, it cannot be disputed that the appellant has died. The sentence of the appellant was suspended pursuant to order dated 24th February, 2004 on his furnishing a personal bond in the sum of Rs.20,000/- with two sureties in the sum of Rs.10,000/- each. The appellant had been released on bail.

Since the appellant has died, the appeal stands abated. Therefore, sureties furnished by the appellant are also liable to be discharged.

In the circumstances the appeal is dismissed as abated. The sureties given by the appellant pursuant to the order dated 24th February, 2004 are also discharged.

ANIL KUMAR, J.

SURESH KAIT, J.

SEPTEMBER 14, 2010
‘VK’